

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITRIN SAFEGUARD INSURANCE
COMPANY as subrogee of MORDECHAI
KOPCIEL,

Plaintiff,

v.

OVE DECORS ULC and COSTCO
WHOLESALE CORPORATION

Defendants.

Case No. 7:24-CV-7306

DISCOVERY PLAN

Pursuant to Federal Rule of Civil Procedure 26(f), during a conference on November 15, 2024, between counsel for Plaintiff, Unitrin Safeguard Insurance Company as subrogee of Mordechai Kopciel, and counsel for Defendants, Ove Decors ULC and Costco Wholesale Corporation, counsel for the parties discussed and agreed to the following discovery plan:

- (1) The parties shall engage initial disclosures required under Federal Rule of Civil Procedure 26(a)(1) no later than December 31, 2024.
- (2) Both Plaintiff and Defendants shall service their first request for production of documents, pursuant to Federal Rule of Civil Procedure 34, no later than January 15, 2025.
- (3) Both Plaintiff and Defendant shall serve their notices of deposition, pursuant to Federal Rule of Civil Procedure 30, no later than April 1, 2025.

Plaintiff anticipates deposing:

- a. The corporate designee for Ove Decors ULC
- b. The corporate designee for Costco Wholesale Corporation

Defendant anticipates deposing:

- a. Plaintiff's insurance adjuster and/or employees of plaintiff who investigated the incident at issue in this case, including but not limited to Sam Schlesinger of Superior Adjusters
 - b. Plaintiff's subrogor and/or his wife
- (4) Depositions of the parties shall commence no later than April 21, 2025, at mutually convenient dates and times, without prejudice to either party conducting a non-party deposition beforehand at a mutually convenient date, time, and place.
- (5) Both Plaintiff and Defendant shall serve subpoenas upon any third-party witnesses no later than April 1, 2025, seeking the production of documents and/or depositions.
- (6) Plaintiff shall serve its expert's report upon Defendants, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than May 1, 2025. The report shall set forth a complete statement of all opinions the witness will express, the facts on which the witness relies, and the process of reasoning by which the witness's conclusions are reached, and must otherwise comply with the requirements of Federal Rules of Civil Procedure 26(a)(2)(B).
- (7) Defendants shall serve its expert's rebuttal report upon Plaintiff, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than June 2, 2025.
- (8) Depositions of the experts shall begin in time to be completed no later than July 1, 2025 for Plaintiff's expert and July 15, 2025 for Defendants' expert.
- (9) All discovery shall be completed by May 30, 2025.
- (10) The parties may seek to schedule additional discovery as necessary, as long as it is completed by May 30, 2025.

Respectfully submitted:

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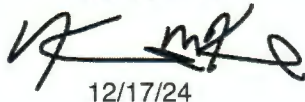


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Attorneys for Defendants OVE Decors ULC and Costco Wholesale Corporation

The Court will hold a case management conference on
7/24/25 at 10 am. Movant's pre-motion letter is due
7/10/25 and the Non-Movant's response is due 7/17/25.

So Ordered.


12/17/24